

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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COMMON CAUSE GEORGIA, as an )  
organization, )  
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*Plaintiff,* )  
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 )  
v. ) Case No. 18-cv-05102-AT  
 )  
BRIAN KEMP, in his official capacity as )  
Secretary of State of Georgia )  
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 )  
*Defendant.* )  
 )

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**PLAINTIFF'S NOTICE OF AND MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND EXPEDITED DISCOVERY**

PLEASE TAKE NOTICE that Plaintiff, COMMON CAUSE GEORGIA, hereby moves the Court for a temporary restraining order enjoining the rejection of any provisional ballots cast during the 2018 election on the ground that the voter's name is not found on the voter registration list, pending a decision on the permanent relief requested in this case. Plaintiff also moves for expedited discovery, as set forth in more detail in the accompanying papers, of: 1) the

number of provisional ballots cast per county, and the reason for each; 2) all guidance provided by the Defendant to county officials regarding counting provisional ballots or assessing the eligibility of voters who voted by provisional ballots; and 3) all coding sheets or similar documents used in the review of provisional ballots and ascertaining the eligibility of voters who voted by provisional ballot.

As set forth in detail in the Plaintiff's Memorandum of Law in Support of Motion for a Temporary Restraining Order and Expedited Discovery and the accompanying Declaration of Farrah R. Berse, filed herewith, Plaintiff has established that it is likely to succeed on the merits of their claims; that Plaintiff will suffer irreparable harm if the Court does not issue the injunction; that the harm to Plaintiff outweighs any harm Defendant would suffer if the Court were to order the preliminary relief sought by Plaintiff; that the balance of hardships tips strongly in Plaintiff's favor; and that a temporary restraining order in this case advances the public interest.

Plaintiff respectfully requests that the Court expedite consideration of this motion due to the upcoming November 9, 2018 deadline for the review of provisional ballots pursuant to Ga. Code §21-2-419, after which provisional ballots

for any voters that the county registrars have not been able to confirm as eligible to vote will be rejected.

Plaintiff also requests that this matter be set for oral argument on an expedited basis.

Respectfully submitted,

DLA PIPER LLP

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## **CERTIFICATE OF COMPLAINECE**

I hereby certify that the foregoing NOTICE OF AND MOTION FOR A TEMPORARY RESTRAINING ORDER AND EXPEDITED DISCOVERY was prepared double-spaced in 14-point Times New Roman pursuant to Local Rule 5.1(C).

/s/ Christopher Campbell

Christopher G. Campbell  
DLA Piper LLP

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2018, I served the within and foregoing NOTICE OF AND MOTION FOR A TEMPORARY RESTRAINING ORDER AND EXPEDITED DISCOVERY with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise, and caused courtesy copies to be served by electronic mail on counsel for Defendant who have not yet appeared in this matter:

This 7th day of November, 2018.

/s/ Christopher Campbell

Christopher G. Campbell  
DLA Piper LLP